

**Thomas Jefferson, July 8, 1793, Hamilton's Opinion on French armed vessel, the Little Sarah , from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.**

**CABINET OPINION ON “LITTLE SARAH” J. MSS.**

July 8, 1793.

At a meeting at the State house of the City of Philadelphia,

Present: the Secretary of state, the Secretary of the Treasury the Secretary at War.

It appears that a brigantine, called the *Little Sarah*, has been fitted out at the port of Philadelphia, with fourteen cannon & all other equipments indicating that she is intended as a Privateer to cruise under the authority of France, & that she is now lying in the river Delaware, at some place between this city & Mud island; that a conversation has been had between the Secretary of State & the Minister Plenipotentiary of France, in which conversation the Minister refused to give any explicit assurance that the brigantine would continue until the arrival of the President & his decision in the case, but made declarations respecting her not being ready to sail within the time of the expected return of the President, from which the Secretary of state infers with confidence, that she will not sail till the President will have an opportunity of considering & determining the case; that in the course of the conversation, the Minister declared that the additional guns which had been taken in by the *Little Sarah* were French property, but the Governor of Pennsylvania declared that he has good ground to believe that two of her cannon

were purchased here of citizens of Philadelphia.

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The Governor of Pennsylvania asks advice what steps, under the circumstances, he shall pursue?

The Secretary of the Treasury & the Secretary of war are of opinion, that it is expedient that immediate measures should be taken provisionally for establishing a battery on Mud island, under cover of a party of militia, with direction that if the brig *Sarah* should attempt to depart before the pleasure of the President shall be known concerning her, military coercion be employed to arrest and prevent her progress.

The Secretary of state dissents from this opinion.

Information having also been received that part of the crew of the *Sarah* are citizens of the United States, as can be testified by Charles Biddle of this city.

The above mentioned heads of departments agree that this information shall be communicated to the attorney of the district, in order that, pursuant to his former instructions, he may take measures for apprehending and bringing them to trial.

### REASONS FOR HIS DISSENT<sup>1</sup>

<sup>1</sup> See Hamilton's *Works of Hamilton* (iv, 443) for the opinion of Hamilton and Knox. This "Reasons for his Dissent" was sent by Jefferson to Washington the moment the latter reached Philadelphia (July 11th), with an undated letter as follows:

"Th. Jefferson presents his respects to the President. He had expected that the Secretaries of the Treasury & War would have given to the President immediately the statement of facts in the case of the *Little Sarah*, as drawn by the former & agreed to, as also their Reasons: but Colo. Hamilton informed Th. J. that he had not been able to prepare copies. Th. J. sends the President the copies they had given him, which being prefixed to his opinion will make the case complete, as it is proper the President should see both sides of it at once.

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“Th. J. has had a fever the two last nights which has held him till the morning. Something of the same is now coming on him, but nothing but absolute inability will *prevent* his being in town early tomorrow morning.

“Th. J. had written the above before he had the honor of the President's note on the subject of this vessel. He has received assurance from Mr. Genet to-day that she will not be gone before the President's decision. Th. J. is himself of opinion that whatever is aboard of her of arms, ammunition or men contrary to the rules heretofore laid down by the President, ought to be withdrawn. On this subject he will have the honor of conferring with the President or any others whenever he pleases.”

See also vol. i., 237, for another paper relating to the *Little Sarah*.

[July 9, 1793.]

I am against the preceding opinion of the Secretaries of the Treasury & War, for ordering a battery to be erected on Mud island, & firing on the *Little Sarah*, an armed vessel of the republic of France.

Because I am satisfied from what passed

between Mr. Genet & myself, at our personal interview yesterday, that the vessel will not be ordered to sail till the return of the President, which, by a letter of this day's post, we may certainly expect within eight & forty hours from this time.

Because the erecting a battery & mounting guns to prevent her passage, might cause a departure not now intended, and produce the fact it is meant to prevent.

Because were such battery & guns now in readiness & to fire on her, in the present ardent state of her crew just in the moment of leaving port, it is morally certain that bloody consequences would follow. No one can say how many lives would be lost on both sides,

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& all experience has shewn that blood once seriously spilled, between nation & nation, the contest is continued by subordinate agents, and the door of peace is shut. At this moment too we expect in the river twenty of their ships of war, with a fleet of from 100 to 150. of their private Vessels, which will arrive at the scene of blood in time to continue it, if not to partake in it.

Because the actual commencement of hostilities against a nation, for such this act may be is an act of too serious consequence to our countrymen to be brought on their heads by

subordinate officers, not chosen by them nor clothed with their consequence; and too presumptuous on the part of those officers, when the chief magistrate, into whose hands the citizens have committed their safety, is within eight & forty hours of his arrival here, & may have an opportunity of judging for himself & them whether the buying & carrying away two cannon (for according to information, the rest are the nation's own property,) is sufficient cause of war between Americans & Frenchmen.

Because should the vessel, contrary to expectation, depart before the President's arrival, the adverse powers may be told the truth of the case. That she went off contrary to what we had a right to expect, that we shall be justifiable in future cases to measure our confidence accordingly, that for the present we shall demand satisfaction from France, which, with the proofs of good faith we have already given, ought to satisfy them. Above all, Great Britain ought not to complain: for, since the date of the order forbidding that any of the belligerent powers should equip themselves in our ports with our arms, these two cannon are all that have escaped the vigilance of our officers, on the part of their enemies, while their vessels have carried

off more than ten times the number, without any impediment: and if the suggestion be true (& as yet it is but suggestion) that there are 15. or 20. Americans on board the *Little Sarah*, who have gone with their own consent, it is equally true that more than ten times that number of Americans are at this moment on board English ships of war, who have

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been taken forcibly from our merchant vessels, at sea or in port wherever met with, & compelled to bear arms against the friends of their country. And is it less a breach of our neutrality towards France to suffer England to strengthen herself with our force, than towards England to suffer France to do it? And are we equally ready & disposed to sink the British vessels in our ports by way of reprisal for this notorious and avowed practice?

Because it is inconsistent for a nation which has been patiently bearing for ten years the grossest insults & injuries from their late enemies, to rise at a feather against their friends & benefactors: & that too in a moment when circumstances have kindled the most ardent affections of the two people toward each other, when the little subjects of displeasure which have arisen are the acts of a particular individual, not yet important enough to have

been carried to his government as causes of complaint, are such as nations of moderation & justice settle by negotiation, not making war their first step, are such as that government would correct at a word, if we may judge from the late unequivocal demonstrations of their friendship towards us, and are very slight shades of the acts committed against us by England which we have been endeavoring to rectify by negotiation, and on which they have never condescended to give any answer to our Minister.

Because I would not gratify the combination of kings with the spectacle of the two only republics on earth destroying each other for two cannon; nor would I, for infinitely greater cause, add this country to that combination, turn the scale of contest, & let it be from our hands that the hopes of man receive their last stab.

It has been observed that a general order has been already given to stop by force vessels arming contrary to rule in our ports, in which I concurred. I did so, because it was highly presumeable that the destination of such a vessel would be discovered in some early stage, when there would be few persons on board, these not yet disposed nor prepared to resist, & a small party of militia put

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aboard would stop the procedure without a marked infraction of the peace. But it is a much more serious thing when a vessel has her full complement of men, (here said to be 120) with every preparation & probably with disposition to go through with their enterprise. A serious engagement is then a certain consequence. Besides, an act of force, committed by an officer in a distant port, under general orders, given long ago, to take effect on all cases, & with less latitude of discretion in him, would be a much more negociable case, than a recent order, given by the general government itself (for that is the character we are to assume) on the spot, in the very moment, pointed at this special case, professing full discretion, & not using it. This would be a stubborn transaction, not admitting those justifications & explanations which might avert a war, or admitting such only as would be entirely humiliating to the officers giving the order & to the government itself.

On the whole, respect to the chief magistrate, respect to our countrymen, their lives, interests, & affections, respect to a most friendly nation, who, if we give them the opportunity, will answer our wrongs by correcting & not by

repeating them; respect to the most sacred cause that ever man was engaged in, poising maturely the evils which may flow from the commitment of an act which it would be in the power & probably in the temper of subordinate agents to make an act of continued war, and those which may flow from an eight & forty hours suspension of the act, are motives with me for suspending it eight & forty hours, even should we thereby lose the opportunity of committing it altogether.